## THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:15-cv-00130-MR-DLH

MINERVA McSWAIN, Individually and as Executrix of the Estate of BUREN EDWARD McSWAIN,	) ) )
Plaintiffs,	) )
vs.	ORDER
AIR & LIQUID SYSTEMS CORPORATION, et al.,	) )
Defendants.	) )

**THIS MATTER** is before the Court on the Defendant Airgas USA, LLC's Motion for Summary Judgment [Doc. 225] and the parties' Joint Motion to Dismiss [Doc. 291].

Upon review of the parties' motion to dismiss,

IT IS, THEREFORE ORDERED that the parties' Joint Motion to Dismiss [Doc. 291] is **GRANTED**, and the Plaintiffs' claims against Defendant Airgas USA, LLC, are hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Defendant Airgas USA, LLC's Motion for Summary Judgment [Doc. 225] is **DENIED AS MOOT**.

## IT IS SO ORDERED.

Signed: May 31, 2017

Martin Reidinger United States District Judge